

Decision No. 82574**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)

MOTHER'S CAKE & COOKIE CO., a)
 corporation, for authority pursuant)
 to Section 854 of the California)
 Public Utilities Code to acquire)
 control of LOWELL FREIGHT LINES, INC.)

Application No. 54647
 (Filed February 11, 1974)
 and Amendment
 (Filed February 26, 1974)

O P I N I O N

Floyd A. Wheatley and Mother's Cake & Cookie Co. seek authority to control Lowell Freight Lines, Inc.

Mother's Cake & Cookie Co. is a California corporation engaged in manufacturing cookies which it distributes in California, other western states, Hawaii and Alaska. The verified application, as amended, shows that Floyd A. Wheatley has voting control of the company through ownership of 57.3% of its outstanding capital stock, and has a net worth in excess of \$2,000,000.

Lowell Freight Lines, Inc. is a California corporation operating as a highway common carrier of specified commodities between various points and places within California. In addition, it operates under the jurisdiction of this Commission as a highway contract carrier and a radial highway common carrier. According to the application, for approximately 15 years the carrier has been the primary transporter of the products of Mother's Cake & Cookie Co. from Oakland to various locations in California, and the latter corporation has been the carrier's major customer of its trucking services.

After consideration the Commission finds that control of Lowell Freight Lines, Inc. by Floyd A. Wheatley and Mother's Cake & Cookie Co. would not be adverse to the public interest. On the basis of this finding we conclude that the application, as amended, should be granted. A public hearing is not necessary. The action taken herein shall not be construed as a finding of value of the capital stock or assets of Lowell Freight Lines, Inc.


O R D E R

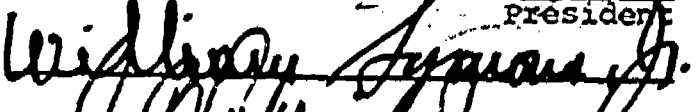
IT IS ORDERED that Floyd A. Wheatley and Mother's Cake & Cookie Co. may control Lowell Freight Lines, Inc.


IT IS FURTHER ORDERED that whenever Lowell Freight Lines, Inc. engages other carriers for the transportation of property of Floyd A. Wheatley and/or Mother's Cake & Cookie Co., or customers or suppliers of said individual or corporation, Lowell Freight Lines, Inc. shall not pay such other carriers rates and charges less than the rates and charges published in Lowell Freight Lines, Inc.'s tariffs on file with this Commission.

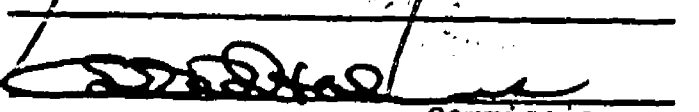
The effective date of this order is the date hereof.

Dated at San Francisco, California, this 12th day of March, 1974.



President






Commissioners

Commissioner Thomas Moran, being
necessarily absent, did not participate
- in the disposition of this proceeding.